

RECEIVED
CENTRAL FAX CENTER

JUL 21 2006

Phone: (972) 987-8019

E-mail: davidlloydneary@aol.com

DAVID L. NEARY P.E.
3557 Kimble Drive
Plano, TX 75025

FAX TRANSMITTAL COVER PAGE

Date: July, 21, 2006

Fax To: Ted Kim
Company: USPTO Art Unit 3746
Fax Number: 571-273-8300Subject: Application 10/743,505
Reference: July 3, 2006 Express-Mailed Response to Feb.3, 2006 Office ActionTotal Number of Pages (including cover page) : 1

Dear Kim,

From a meeting yesterday with an attorney on another patent application matter, I gathered some information that led me to feel that it was now necessary to forward an additional Terminal Disclaimer Form PTO/SB/26 to your attention, since the US Patent 7,074,033 was published after my July 3, 2006 mailed response (and 2 month extended fee) to your February 3, 2006 Office Action.

The US Patent 7,074,033's "Partially- Open Fired Heater Cycle Providing High Thermal Efficiencies and Ultra-Low Emissions" may now (after its July 11, 2006 publication date) be considered as employing a similar partially-open Oxy-Fuel combustion process, and the 10/743,505 application's cited optional alternative applied heater (in parallel with gas turbine). This most likely now constitutes "Double-Patenting to the cited Heater Cycle").

I am therefore Express Mailing no later than tomorrow noon-time (from the Plano Post Office), the appropriate transmittal, Cashier's Check, and the signed Terminal Disclaimer Form PTO/SB/26 to your attention. Hopefully, this will avoid a potential Office Action requesting this disclaimer that I am sending to you via Express Mail Envelope # ED 625085652 US.

Best of Wishes for a pleasant up-coming weekend.

Regards,

David L. Neary

